

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-011867

06/15/2010

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
C. Castro
Deputy

WATSON AND BROADWAY FIRST
MORTGAGE L L C

CHRISTOPHER KAUP

v.

JOSEPH J KALISH, et al.

TIMOTHY W OVERTON

JAY DUSHOFF

VERDICT

The parties appeared for an evidential hearing regarding fair market value of property pursuant to Ariz. Rev. Stat. §33-814(A) on the following days: March 9, 11, 18, 30, and April 1, 8, and 27, 2010. In addition, the parties each submitted supplemental written arguments on May 28, 2010.

The Court has reviewed the testimony presented, the exhibits received in evidence and the arguments of counsel.¹

The issue to be decided is the fair market value of the subject property as of the date of valuation of July 16, 2008.

The Court finds that value to be the amount of \$3,915,000.00.

¹ Defendants correctly note that the Court admitted the factual portions of Trial Exhibits 34, 35, and 36. See Trial Transcript of March 18, 2010 at pp. 68-69. Contrary to Defendants' assertion, however, this ruling is properly reflected in the Clerk's Exhibit Worksheet.

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Plaintiff's Motion seeking to strike the appraisal of Duane Thoms, dated November 25, 2009, and to strike certain segments of trial exhibits 17.001 (and testimony regarding the same) are denied.

Plaintiff shall lodge a form of Judgment regarding the deficiency and all related issues on or before July 1, 2010.

FILED: Exhibit Worksheet.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>